

JUN 11 2007

PTO/SB/21 (09-04)

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	10/701,990
		Filing Date	November 4, 2003
		First Named Inventor	Mark HELLERSTEIN
		Art Unit	1657
		Examiner Name	R. Gitomer
Total Number of Pages in This Submission	8 + 8 refs	Attorney Docket Number	416272005200

ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form, in duplicate for fee processing – 2 pages <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement w/ Form PTO/SB/08a/b (5 pages) <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1. One copy each of 8 Cited References 2. Return Receipt Postcard
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	MORRISON & FOERSTER LLP (Customer No. 20872)		
Signature			
Printed name	Michael R. Ward		
Date	June <u>6</u> , 2007	Reg. No.	38,651

I hereby certify that this paper is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-145

Dated: June 7, 2007

Signature:

(Leah Kjellen)



Under the Paperwork Reduction Act of 1995, no person are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL

For FY 2007

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

180.00

Complete if Known

Application Number	10/701,990
Filing Date	November 4, 2003
First Named Inventor	Marc K. HELLERSTEIN
Examiner Name	R. Gitomer
Art Unit	1657
Attorney Docket No.	416272005200

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order None Other (please identify): _____
 Deposit Account Deposit Account Number: 03-1952 Deposit Account Name: Morrison & Foerster LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below Charge fee(s) indicated below, except for the filing fee
 Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 Credit any overpayments

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	0
Design	200	100	100	50	130	65	0
Plant	200	100	300	150	160	80	0
Reissue	300	150	500	250	600	300	0
Provisional	200	100	0	0	0	0	0

2. EXCESS CLAIM FEES

Fee Description

Each claim over 20 (including Reissues)

Small Entity Fee (\$)

Fee (\$)

25

50

Each independent claim over 3 (including Reissues)

100

200

Multiple dependent claims

180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims
- 20 =	x	=	0	Fee (\$)

HP = highest number of total claims paid for, if greater than 20.

Fee (\$)

0

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims
- 3 =	x	=	0	Fee (\$)

HP = highest number of independent claims paid for, if greater than 3.

Fee (\$)

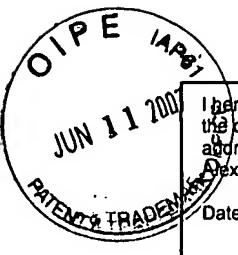
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Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/50 =	(round up to a whole number) x	=	0

4. OTHER FEE(S)		Fees Paid (\$)
Non-English Specification, \$130 fee (no small entity discount)		
Other (e.g., late filing surcharge): 1806 Submission of an Information Disclosure Statement		180.00

SUBMITTED BY			
Signature	<i>Michael R. Ward</i>	Registration No. (Attorney/Agent)	38,651
Name (Print/Type)	Michael R. Ward	Telephone	(415) 268-6237

Date June 7, 2007



I hereby certify that this paper is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: June 7, 2007

Signature:

(Leah Kjellen)

Patent

Docket No. 416272005200

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Marc K. HELLERSTEIN

Serial No.: 10/701,990

Filing Date: November 4, 2003

For: DEUTERATED GLUCOSE OR FAT TOLERANCE TESTS FOR HIGH-THROUGHPUT MEASUREMENT OF THE METABOLISM OF SUGARS OR FATTY ACIDS IN THE BODY

Examiner: R. Gitomer

Group Art Unit: 1657

**SUPPLEMENTAL INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98**

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. §1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO/SB/08a/b. Copies of foreign documents and non-patent literature are submitted herewith. The Examiner is requested to make these documents of record.

sf-2330188

06/12/2007 RFEKADU1 000000024 031952 10701990
01 FC:1606 180.00 DA

This Supplemental Information Disclosure Statement is submitted:

- With the application; accordingly, no fee or separate requirements are required.
- Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114. However, if applicable, a certification under 37 C.F.R. § 1.97 (e)(1) has been provided.
- Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required. However, if applicable, a certification under 37 C.F.R. § 1.97 (e)(1) has been provided.
- After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.**
 - A fee is required. A check in the amount of __ is enclosed.
 - A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.**
 - A Certification under 37 C.F.R. § 1.97(e) is provided above; accordingly; no fee is believed to be due.
- After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
 - A Certification under 37 C.F.R. § 1.97(e) is provided above and a check in the amount of __ is enclosed.
 - A Certification under 37 C.F.R. § 1.97(e) is provided above and a Fee Transmittal form (PTO/SB/17 is attached to this submission in duplicate.)

Applicants would appreciate the Examiner initialing and returning the Form PTO/SB/08a/b, indicating that the information has been considered and made of record herein.

The information contained in this Supplemental Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief (such as payment of a fee under 37 C.F.R. § 1.17 (p)) is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petition and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing **416272005200**.

Dated: *6/06/07*

Respectfully submitted,

By *Michael R. Ward*
Michael R. Ward
Registration No.: 38,651
MORRISON & FOERSTER LLP
425 Market Street
San Francisco, California 94105-2482
(415) 268-6237



Substitute for form 1449/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet	1	of	2	Attorney Docket Number	416272005200
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U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
1.	US-5,916,537-A	06-29-1999	Kajiwara et al.		
2.	US-5,924,995-A	07-20-1999	Klein et al.		
3.	US-6,031,228-A	02-29-2000	Abramson		
4.	US-6,355,416-B1	03-12-2002	Abramson		
5.	US-6,642,059-B2	11-04-2003	Chait et al.		
6.	US-6,835,927-B2	12-28-2004	Becker et al.		
7.	US-20030119069-A1	06-26-2003	Schneider et al.		
8.	US-20030211036-A1	11-13-2003	Degani et al.		
9.	US-6,680,203-B2	01-20-2004	Dasseux et al.		
10.	US-20040121305-A1	06-24-2004	Wiegand et al.		
11.	US-20040191916-A1	09-30-2004	Gross et al.		
12.	US-20050014181-A1	01-20-2005	Gal is et al.		
13.	US-20050092910-A1	05-05-2005	Geromanos et al.		
14.	US-20050118724-A1	06-02-2005	Bateman et al.		
15.	US-6,902,719-B2	06-07-2005	Wagner		
16.	US-6,906,320-B2	06-14-2005	Sachs et al.		
17.	US-20050153346-A1	07-14-2005	Schneider		
18.	US-20050175982-A1	08-11-2005	Iwatani et al.		
19.	US-20050221278-A1	10-06-2005	Iwatani et al.		
20.	US-20050281745-A1	12-22-2005	Lee et al.		
21.	US-20060100903-A1	05-11-2006	Lee et al.		
22.	US-20060105322-A1	05-18-2006	Iwatani et al.		
23.	US-7,048,907-B2	05-23-2006	Groman et al.		
24.	US-7,057,168-B2	06-06-2006	Miller et al.		
25.	US-20060120961-A1	06-08-2006	Schneider et al.		
26.	US-7,084,396-B2	08-01-2006	Schneider		

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number-Kind Code ⁴ (if known)				
27.	WO-06050130-A2		05-11-2006	Target Discovery Inc.		
28.	WO-06081521-A2		08-03-2006	The Regents of the University of Colorado		
29.	WO-06107814-A2		10-12-2006	Washington University in St. Louis		

*EXAMINER: Initial if information considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered
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Substitute for form 1449/PTO				Complete if Known	
				Application Number	10/701,990
				Filing Date	November 4, 2003
				First Named Inventor	Marc K. HELLERSTEIN
				Art Unit	1657
				Examiner Name	R. Gitomer
Sheet	2	of	2	Attorney Docket Number	416272005200

NON PATENT LITERATURE DOCUMENTS				
Examiner Initials ¹	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.		T ²
	30.	LEFEBVRE, P. J. (January 1979). "Naturally Labeled 13C-Glucose: A New Tool to Measure Oxidation Rates of Exogenous Glucose," <i>Diabetes</i> 28(Suppl. 1): 63-65.		
	31.	ROYALE, G. T. et al. (1981). "Techniques for Investigating Substrate Metabolism in Patients," <i>Annals of the Royal College of Surgeons of England</i> 63:415-419.		
	32.	BIER, D. M. (November 1987). "The Use of Stable Isotopes in Metabolic Investigation," <i>Balliere's Clinical Endocrinology and Metabolism</i> 1(4):817-836.		
	33.	SCHNEITER, P. et al. (1998). "Kinetics of Dexamethasone Induced Alterations of Glucose Metabolism in Healthy Humans," <i>American Journal of Physiology</i> , pp. E806-E813.		
	34.	Supplementary Partial European Search Report mailed September 22, 2006, for European patent application no. EP 03768624.3, filed November 4, 2003, 4 pages.		

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
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